

## State of California

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### Legislative Change No.

**03-30**

Bill Number: SB 25

Author: Bowen

Chapter Number: 03-907

Laws Affecting Franchise Tax Board: Civil Code Section 1798.85

Date Filed with the Secretary of the State: October 12, 2003

SUBJECT: Personal Information/Security of Social Security Numbers

### **Senate Bill 25 (Bowen), as enacted on October 12, 2003, made the following changes to California law:**

#### Section 1798.85 of the Civil Code is amended.

Beginning January 1, 2004, this act removes the exemption for state and local agencies as a person or entity restricted from using Social Security Numbers (SSNs). This act specifies that the provisions of the act are operative with respect to the Franchise Tax Board (FTB) beginning January 1, 2007. Specifically, this act prohibits a person or entity from:

- publicly posting or displaying an individual's SSN;
- printing an individual's SSN on any card required to access products or services;
- requiring an individual to transmit his or her SSN over the Internet unless the connection is secure or the SSN is encrypted;
- requiring an individual to use his or her SSN to access an Internet website unless a password or unique personal identification number is also required to access the website; and
- printing an individual's SSN on any materials that are mailed to the individual, unless state or federal law requires the SSN to be on the document to be mailed. Notwithstanding this provision, applications and forms sent by mail may include SSNs.

Further, this act creates an exemption for state or local agencies that is similar to an exemption under current law for persons or entities. Specifically, this act allows a state or local agency, which has used an individual's SSN before January 1, 2004, in a manner inconsistent with the prohibitions, to continue using that individual's SSN in that manner after January 1, 2004, if the following conditions are met:

- the use of the SSN is continuous (if the use is stopped for any reason, the prohibitions will apply);
- the individual is provided with an annual disclosure informing the individual of the right to request that their SSN not be used in a manner prohibited by this bill;
- the person, entity, or state or local agency will cease using the SSN, at no charge to the individual, within 30 days of receiving a written request to cease using their SSN in a manner prohibited by this bill; and
- a person or entity must not deny services to an individual because the individual makes a written request to that service agency to cease using his or her SSN as prohibited by this bill.

Bureau Director

Jana Howard for Brian Putler

Date

10/31/2003

This act specifies that the prohibitions in this bill do not apply to documents open to the public pursuant to the Bagley-Keene Open Meetings Act, which applies to certain state bodies.

This act prohibits a person or entity from encoding or embedding an SSN in or on a card or document using technology that includes, but is not limited to, bar codes, chips, magnetic strips, or other technology.

In addition, this act specifies that any SSN that is sent via mail may not be printed, in whole or in part, on a postcard or other mailer in which the SSN may be visible from the outside.

This act is effective January 1, 2004, and operative for FTB beginning January 1, 2007, and would apply to the department's use of SSNs on and after that date.

This act will not require any reports by the department to the Legislature.